

Software Piracy in Education

It has been brought to my attention that we just received a lawsuit from Microsoft Corporation. Our district is looking at \$100,000 fine. Luckily I am just making that up, but what if we were faced with such a lawsuit? Well many schools across the nation are facing this type of lawsuits as a result of copyright infringement, more specifically software piracy. Most teachers and librarians are familiar with the traditional copyright law and the Fair Use defense however it is important to know that “fair use” does not apply to copyrighted computer software (Starkman, 2008). Software piracy is protected by copyright law and is simply defined as an unauthorized copying of software (Stone). In this report we will examine examples of piracy, issues of piracy, penalties, alternatives and solutions to avoiding software piracy more so violating intellectual property.

There are many ways to violate copyright infringement of software. The most common form of this violation is through softlifting. According to David Stone, softlifting occurs when one piece of software is purchased and it is loaded onto multiple computers at home or at schools although the license purchased was only for one computer. It is believed that piracy first became illegal in the early 80's when Microsoft realized the monetary consequences of these acts (Wilkins, 2010). In May 2006, Niles Township Community District in north suburban Chicago, had to “write a letter testifying to the terrors of being caught up in a piracy audit” in exchange they avoided a very expensive lawsuit (Richtel, 1998). In Russia, a school principal of a public school is facing up to five years in prison for knowingly loading

unlicensed copies of Microsoft Windows (Software piracy in schools). According to a survey conducted by the Information Industry Association, as much as one-third of all software in schools in the U.S. are illegal (Yuen, 2007). In another survey conducted by the U.S. Census Bureau, 8 out of 10 students are engaged in downloading and duplicating software while in the classroom (Kruger, 2003). In other instances even teachers are violating copyright infringement. Some teachers make copies of software they use at school in order to have the same software at home (Stone). Although it is for work purposes, it is still illegal. So why do students and teachers alike pirate software? According to a blog by Tony, students' reasons for pirating software include: students' lack of disposable income, they don't see a value in investing in a software license, students are familiar with distribution networks and little repercussion for high school students with the law (Software piracy in schools). According to Sue Kamp, director of education marketing quoted teachers saying "Hey, we're doing it for the good of the kids, so it's OK" (Richtel, 1998). Other researchers believe that the reason why teachers and students violate copyright infringement is because they have not been educated on the subject matter. Hall Davidson wrote in *Copyright Primer for Administrators* "most copyright abuses in education are a sign of weakness in the instructional program, not necessarily an indication of inadequate resources". It is important to know the types of licenses issued by software vendors. There are four types of licenses: public domain, freeware, shareware and commercial. The one most relevant to schools is commercial licenses since those are the ones that carry the risk of violating copyright laws (Stone).

We cannot take a chance in getting audited and fined. According to Steve Yuen, if caught pirating copies of software at a school, individuals can face a civil suit, fines up to \$100,000 and jail term up to five years. In addition to being legal troubles, we may be sending a terrible message to students if we knowingly allow piracy in our district (Starkman, 2008). Allowing illegal copies of software to be installed on our computers can actually be doing more harm than good. When someone installs a “bootleg copy” of the software, the computer may be vulnerable to computer viruses and worms that have attached themselves to the software and that can permanently harm the hard drive of the computer, resulting in additional hardware losses (Kruger, 2003).

So just like any businessman wants to know, “what are my alternatives?” Cloud computing is one option many schools are looking into. The reason cloud computing may work is because it is usually subscription based and that will deter most hackers but it won’t stop piracy altogether (Wilkens, 2010). Another drastic measure taken by a public school in Cambridge, Massachusetts is to lock hard drives so that no students or teachers could load or change software (Richtel, 1998). A rule of thumb by a Shirley Bellamy, director of Center for Innovative Technology and Training in District of Columbia Public Schools, suggest that schools only buy hardware if they can purchase the software they go along with. That simply means only buy the computers if you are sure you are going to be able to afford the software. Finally, one of the best solutions to prevent piracy is through the use of open source software. Open source software is free and can be distributed, changed,

and re-authored any way you want to without violating any type of copyright infringement (Software piracy in schools).

In all the research that has been done to prevent copyright infringement of software, all solutions start with education. Steven Yuen, suggests a couple of strategies that schools should use to prevent software piracy. First and foremost, we need to provide education to administrators, teachers, parents and students through workshops so they can understand the copyright law applied to software and the consequences of illegal use of software. Next, we need to establish a software policy and make it known to all constituents. Developing a code of ethics is important as students and all school personnel would need to sign and abide by this policy. After having set up a policy, we need appoint a software or technology manager that can keep accurate records of the software licenses. Finally, we need to perform regular audits to make sure we are in compliance (Yuen, 2007).

Education is the business we are in, so why not use our pedagogical skills to teach students and educators about this very important topic that has very serious consequences if overlooked. A very good quote appeared in an article titled *Do the (Copy)right Thing* “educators’ lack of attention to intellectual property law places their schools in legal jeopardy-and sends a terrible message to students”. So take your pick, which is a graver consequence: a massive lawsuit or knowing that we are teaching our students to be unethical? Either way we would be serving an injustice by not addressing the issue of software piracy.

Works Cited

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